

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JOHN RASH

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:20-CV-224-NBB-RP

LAFAYETTE COUNTY, MISSISSIPPI

DEFENDANT

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

COMES NOW, Lafayette County, Mississippi, the Defendant in the above-styled and numbered cause, by and through counsel, and files its Motion for Summary Judgment, and would state as follows:

1.

Lafayette County is entitled to summary judgment as to all issues in this First Amendment case because the reasonable “time, place, manner” restrictions delineated in the County’s Facility Use Policy are clearly content neutral on their face, and as applied, and are otherwise narrowly drawn in furtherance of compelling governmental interests. These restrictions, including the imposition of an evening curfew limited to the Circuit Courthouse grounds, are supported by the substantial public safety interests at stake in limiting late-night access. In addition, the plaintiff has not shown that his interest in First Amendment expression has been infringed given the availability of other alternative forums. Aside from the substantive aspects of the plaintiff’s claims, the motion should be granted because the plaintiff lacks standing to pursue the facial challenges outlined in the Amended Complaint.

2.

The Defendant incorporates Exhibits A thru X and the accompanying memorandum of authorities in support of the present motion.

3.

Wherefore, premises considered, the Defendant respectfully requests that this Court grant the present motion. The Defendant also requests any other relief which the court may find warranted in the premises.

THIS, the 2nd day of February, 2021.

Respectfully submitted,

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/s/ David D. O'Donnell

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Attorney for Lafayette County, Ms.,

Defendant

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CERTIFICATE OF SERVICE

I, David D. O'Donnell, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 2nd day of February, 2021.

/s/ David D. O'Donnell

DAVID D. O'DONNELL, MSB# 3912

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